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lightened humanitarians who brushed aside the sophistries and technicalities of their time and substituted justice for injustice. The work of both will live because they based themselves on principles which commend themselves to all right-thinking people and which are of universal application.

A. H. SNOW.

Il Diritto Aëreo. By Enrico Catellani. Turin: Bocca. 1911. pp. 237.

Professor Catellani has chosen the term "Aërial Law" as being most inclusive, embracing as well questions of wireless telegraphy as of aërial navigation. While, however, he deals with the general principles of national control over aërial regions, he confines his detailed treatment to questions relating to the navigation of the air. He examines the question of the territoriality of air, associating himself in principle with those who consider the air as *res omnium communis*. He examines the various theories on this matter, and rejects both Zitelmann's idea that sovereign control extends vertically through the air without limitation, and that of Holzendorff, who deals with the air space by analogy to the marginal sea and tries to fix a determinate height within which sovereign control may be exercised. Catellani believes in a condominium between the local sovereign and the general interest of civilized nations: "The rights of the territorial sovereign extend to the space above only in so far as is indispensable to the enjoyment and government of the property and territory beneath; but even within the orbit of this irradiation of national power, the right to dispose and control exists side by side with the right of collective regulation. These rights must be regarded as faculties mutually independent, but co-existing with respect to the same thing, and necessarily subject to co-ordination." It will be noted that this most interesting suggestion of a local national control, co-existent with an international right of use, finds a precedent and analogy in American federal law, where national and local jurisdiction co-exist within the same territorial units. The author more fully expresses his thought as follows: "When aërial navigation shall have become a normal means of communication, it will certainly be necessary to consider the entire area of the national territory as a frontier, especially with regard to the customs, police, and sanitary laws. But at the same time, beyond this customs frontier, every special sovereign right of the state ceases. Throughout the entire aërial space there will exist a condominium. From the point of view of innocent use and passage, the

entire aërial space interests, and is the common property of, the human race. There is no question of a limited liberty, or of certain rights reserved to the territory, or of a sovereignty limited by certain servitudes of passage, but there is a co-existence of the two rights, which in the orbit of their respective evolution extend, the one throughout the aërial space of the entire world, the other to the entire space belonging to the territory of an individual state." The working out of this interesting idea of the co-existence and co-ordination of two spheres of rights lends great interest to the chapters in which the legal phases of aërial navigation are discussed in detail.

PAUL S. REINSCH.

Le Régime International de la Propriété Industrielle. By A. Pillet. Paris: Larose et Forcel. 1911. pp. xi. 511.

M. Pillet gives a treatment of the law of industrial property as affected by the interaction of national legislation and international agreements. He is dominated by a desire to master the confusion rampant in this subject, and to reduce it to orderliness by bringing the many rules and ideas involved under the control of a few clear principles concerning the relations between national law and treaty obligation. In the introductory chapter, the author develops certain definite dominant ideas. Thus, he distinguishes between protection of acquired property, and of a patent monopoly. As every monopolistic privilege is *prima facie* against the public interest, the monopoly involved in a patent is to be distinguished from industrial property, such as a trade-mark or commercial name. The latter, even in the absence of a treaty, ought to be protected by the courts; whereas, the former, implying a derogation from general right, will be acknowledged only in accordance with strict legal or treaty obligations. While, in general, the principle of territoriality applies to the loss of industrial property, to the extent that a stranger may not exercise a right of this kind in any country under conditions different from those imposed upon the local citizens or subjects; yet the principle of territoriality is not exclusive, as a certain solidarity exists between the industrial property held by a person in various countries. Thus, for instance, the duration of a patent right would be ordinarily determined by the laws of the country where the patent was originally obtained. For this reason the principle of territoriality is not a sufficient guide in matters of patent law. There is, therefore, a capital difference between a foreigner who takes out his